

Notice of Allowability

Application No.

10/725,174

Examiner

Lenwood Faulcon, Jr.

Applicant(s)

ANDRESEN ET AL.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/8/2005.
2. ☒ The allowed claim(s) is/are 1 and 10-12.
3. ☒ The drawings filed on 01 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Jon M. Dickinson on September 14, 2005 and September 19, 2005.

The application has been amended as follows:

Specification Page 3, Line 2, replace "useable to invoke and practice the methodology pictured in claim 1." with – useable to invoke and practice the methodology pictured in figure 1.–

Claim 1, Line 7, replace "using that model, linking it relationally to an appropriate" with –linking the model to an–

Claim 1, Line 10, replace "applying that" with –applying the–

Claim 1, Line 13, replace "wherein said creating involves" with –wherein said creating comprises–

Claim 10, Line 7, replace "using that model, linking it relationally to an appropriate" with –linking the model to an–

Claim 10, Line 10, replace "applying that" with –applying the–

Claim 10, Line 13, replace "wherein said creating relates to" with –wherein said creating comprises–

Claim 11, Line 7, replace “using that model, linking it relationally to an appropriate” with –linking the model to an–

Claim 11, Line 10, replace “applying that” with –applying the–

Claim 11, Line 13, replace “wherein said creating involves” with –wherein said creating comprises–

Claim 12, Line 7, replace “using that model, linking it relationally to an appropriate” with –linking the model to an–

Claim 12, Line 10, replace “applying that” with –applying the–

Claim 12, Line 13, replace “wherein said creating relates to” with –wherein said creating comprises–

Allowable Subject Matter

1. Claims 1 and 10-12 are allowed.
2. The following is an examiner's statement of reasons for allowance: claims 1-27 present allowable subject matter over the prior art since the prior art teachings do not teach of a method for clarifying a subject's collected ECG waveform for analysis by creating a reference ECG waveform model that is influenced by the presence of a particular confounder, linking the model to an ECG pure algorithm which can be applied to a subject's collected ECG waveform to remove the influence of the confounder, applying the linked model and pure algorithm to the collected ECG waveform to produce a purge-processed ECG waveform, wherein the creating of a reference ECG waveform involves quantitative modeling of ST abnormalities due to the presence of either Left

Bundle Branch Block, Right Bundle Branch Block, Left Ventricular Hypertrophy or Left Ventricular Hypertrophy with STT abnormalities, with traditional 12-lead resting ECG and the modeling includes (a) identifying ECG leads for which Left Bundle Branch Block ST deviation will be estimated, (b) for each lead considered, measuring the largest positive and negative voltage deflections, (c) calculating the actual ST deviation at the J + 20ms point, (d) calculating the estimated Left Bundle Branch Block induced deviation and (e) establishing, lead-by-lead, the direct current offset constant value component for use in normalizing the equation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenwood Faulcon, Jr. whose telephone number is 571-272-6090. The examiner can normally be reached on Monday-Thursday from 9 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes, can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Lenwood Faulcon, Jr.



George Manuel

Primary Examiner